

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-7 are pending in this application. Claims 1- 7 are hereby amended. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §101**

Claim7, which was rejected under 35 U.S.C. §101, as allegedly directed to non-statutory subject matter, is hereby amended, obviating the rejection.

### **III. REJECTIONS UNDER 35 U.S.C. §102(b) and §103(a)**

Claims 1-3 and 5-7 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Publication No. 2001/0048479 to Ohkawara, et al. (hereinafter, merely, "Ohkawara")

Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ohkawara in view of U.S. Patent No. 7,193,647 to Voss, et al. (hereinafter, merely "Voss")

#### IV. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"...change means for changing a distance between the focus lens and the image-pickup sensor on the basis of a plurality of the focus-evaluation values calculated by the calculation means,

wherein each of the plurality of focus-evaluation values are calculated at different focus-lens positions..." (emphasis added)

Cited portions of Ohkawara, specifically paragraph [0077], do not teach that the change means changes a distance between the focus lens and the image-pickup sensor on the basis of a plurality of the focus-evaluation values calculated by the calculation means, wherein each of the plurality of focus-evaluation values are calculated at different focus-lens positions, as recited in claim 1. Paragraph [0077] of Ohkawara is reproduced below:

[0077] The AF evaluation signal generated by the AF evaluation value processing circuit 114 is sent to an AF control microcomputer (hereinafter referred to as AF microcomputer) 115. The AF microcomputer 115 has the general control over the lens driving. The AF microcomputer 115 receives a detection signal from a wide-angle attachment lens mounting detecting switch 123. In response to the detection signal and the AF evaluation signal, the AF microcomputer 115 generates the control signal for shifting the variator lens 102, the control signal for shifting the focus-compensation lens 105, and a command signal instructing a change of distance measurement frame. The control signal for shifting the variator lens 102 is fed to a variator lens driver 117, the control signal for shifting the focus-compensation lens 105 is fed to a focus-compensation lens driver 119, and the command signal instructing a change of distance measurement frame is fed to the frame generator circuit 116.

Applicants respectfully submit that the control signal for shifting the variator lens is sent based on an evaluation signal from one focus lens position and does not take into consideration evaluation values of evaluation signals calculated at different lens positions.

Therefore, Applicants respectfully submit that claim 1 is allowable. For the same, or similar reasons, independent claims 5-7 are also allowable.

## **V. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

## **CONCLUSION**

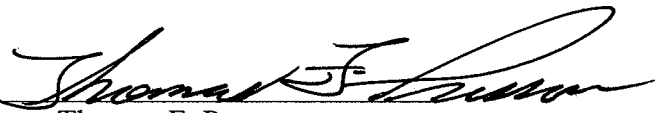
In view of the foregoing amendments and remarks, it is believed that all of the claims remaining in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
Ph: (212) 588-0800  
Fax: (212) 588-0500